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E.O. 12356: DECL: OADR  
TAGS: PINT, SHUM, PGOV, ES  
SUBJECT: D'AUBUISSON PRESSURES ON SHERATON CASE

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: D'AUBUISSON IS UNHAPPY ABOUT THE PENDING PROSECUTION APPEAL INVOLVING LOPEZ SIBRIAN IN THE SHERATON CASE. HE SEEMS TO HAVE PRESSURED FISCAL GENERAL JOSE GUERRERO TO REFRAIN FROM FOLLOWING THROUGH WITH THE APPEAL, BUT IT APPEARS BY NOW CERTAIN THAT GUERRERO IS COMMITTED TO PURSUING THE APPEAL AS PLANNED. D'AUBUISSON ALSO ACCUSES AIFLD INVESTIGATOR GORDON ELLISON OF PERSONALLY PROFITING FROM THE CASE.

3. AFTER HIS MEETING WITH CODEL (NICHOLS) JULY 9, D'AUBUISSON ASKED THEIR EMBASSY ESCORT OFFICER TO STAY BEHIND FOR A TALK WITH HIM AND SOME OTHER ARENA LEADERS, WHO INCLUDED FISCAL GENERAL JOSE GUERRERO. THE LATTER SOON DEPARTED AND D'AUBUISSON THEREUPON RAISED THE SHERATON CASE. THE ESSENCE OF HIS REMARKS WAS THAT THE VARIOUS "DISMISSALS OF THE CHARGES" AGAINST LOPEZ SIBRIAN INDICATED THAT THERE WAS NO SENSE IN PURSUING THE CASE FURTHER WITH APPEALS. FISCAL GENERAL GUERRERO, HE SAID, WOULD FEEL FOOLISH AS A LAWYER PRESENTING AN APPEAL TO THE SUPREME COURT FOR RE-EXAMINATION OF THE CASE YET AGAIN. D'AUBUISSON REFERRED TO GORDON ELLISON WITH CONSIDERABLE DISTASTE FOR HIS ROLE IN THE CASE, ASKED WHETHER ELLISON HAD AN OFFICIAL POSITION WITH THE EMBASSY, AND TREATED THE SHERATON ISSUE AS A CONCERN ONLY OF AIFLD. EMBOFF RESPONDED THAT WE HAD A CLOSE RELATIONSHIP WITH AIFLD, WHICH INCLUDED EXTENDING PROTECTION AND COURTESIES TO THEIR PERSONNEL. EMBOFF ALSO EXPLAINED THAT THIS CASE SHOULD NOT BE CONSIDERED A MATTER ONLY OF INTEREST TO AIFLD; THE EMBASSY HAD A STATUTORY OBLIGATION TO PURSUE JUSTICE IN THE CASE AND WAS MAKING ITS GREAT INTEREST EVIDENT DIRECTLY. WE BELIEVED IT IMPERATIVE THAT EVERY LEGAL OPTION AND RESOURCE BE EXHAUSTED. JUSTICE SHOULD COME THROUGH A TRIAL WITH ALL EVIDENCE MADE AVAILABLE; ACQUITTALS SHOULD NOT BE MADE ON THE BASIS OF LEGAL TECHNICALITIES OUTSIDE THE COURTROOM.

REP. BILL NICHOLS  
(DEM - ALA)

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4. COMMENT: WE HAVE ADVISED ELLISON OF D'AUBUISSON'S  
REPORT OF UNJUSTIFIED ACCUSATIONS AGAINST HIM. ATTORNEY  
GENERAL GUERRERO ASSURED THE CHARGE THE DAY FOLLOWING  
THE ABOVE EXCHANGE THAT HE FULLY INTENDED TO FILE  
A STRONG APPEAL. BLEAKLEY  
END OF MESSAGE

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